

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AKAN BOYD,  
Plaintiff,

v.

PACIFICA FOUNDATION, et al.,  
Defendants.

Case No. [13-cv-03672-JCS](#)

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME TO FILE  
NOTICE OF APPEAL**

**Dkt. No. 14**

Before the Court is Plaintiff's motion for an extension of time to file a notice of appeal (hereafter, "Motion"). *See* Dkt. No. 14. After dismissing Plaintiff's complaint with prejudice, the Court entered final judgment in this case on February 12, 2014. Dkt. Nos. 12-13. Plaintiff did not file a notice of appeal within thirty days of entry of judgment, which is the time prescribed by Federal Rule of Appeal Procedure 4(a)(1). Nevertheless, on April 1, 2014, Plaintiff timely filed the Motion pursuant to Federal Rule of Appellate Procedure 4(a)(5), which provides that a "district court may extend the time to file a notice of appeal if" the motion is timely and Plaintiff "shows excusable neglect or good cause." Fed.R.App.P. 4(a)(5).<sup>1</sup> Plaintiff filed a notice of appeal on April 30, 2014, and on May 15, 2014, the Ninth Circuit remanded the case to this Court for the limited purpose of ruling on the Motion. *See Boyd v. Pacifica Foundation, et al.*, No. 14-15862 (9th Cir. May 14, 2014).

The issue is whether Plaintiff has shown "excusable neglect or good cause" to warrant granting the Motion. In the Motion, Plaintiff contends there is good cause because 1) he is a 75-year-old student at Laney College, 2) his residence was without a water heater for four

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<sup>1</sup> Plaintiff timely filed the Motion on April 1, 2014, which is before "30 days after the time prescribed by this Rule 4(a) expires," Fed.R.App.P. 4(a)(5), which in this case, is April 13, 2014.

1 (unspecified) days, 3) he attended to the administrative needs “for getting service and [is] now  
2 attending scheduling City inspection for the landlord,” 5) he had unexpected software issues with  
3 his computer that he could only resolve with little to no cost, and 6) he has unspecified health  
4 issues which are “in need of immediate attention.” Dkt. No. 14. The Court finds that the reasons,  
5 in addition to Plaintiff’s status as a *pro se* litigant, constitute good cause to warrant granting the  
6 Motion for an extension of time to file a notice of appeal.

7 Accordingly, the Motion is GRANTED. Plaintiff need not file a new notice of appeal.  
8 The Clerk shall serve a copy of this Order on the clerk for the United States Court of Appeals for  
9 the Ninth Circuit.

10 **IT IS SO ORDERED.**

11 Dated: May 16, 2014

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13 JOSEPH C. SPERO  
14 United States Magistrate Judge  
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